

AUG 09 2012

PTO/SB/66 (03-09)

Approved for use through 03/31/2012, OMB 0651-0016  
and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number		Docket Number (Optional)
<b>PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))</b>		
Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (571) 273-8300		08/14/2012 DALLEN 00000006 010051 01 FC:1599 6370.00 DA
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
Patent No. <u>5,819,082</u>		Application Number <u>08/480,618</u>
Issue Date <u>October 6, 1998</u>		Filing Date <u>June 7, 1995</u>
<b>CAUTION:</b> Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).		
<b>Also complete the following information, if applicable</b>		
The above - identified patent		
<input type="checkbox"/> Is a reissue of original Patent No. _____ original issue date _____ original application number _____ original filing date _____		
<input type="checkbox"/> resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____		
<b>CERTIFICATE OF MAILING (37 CFR 1.89(a))</b>		
I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.		
_____ Date		_____ Signature
_____ Typed or Printed Name of Person Signing Certificate		

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

 Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

 Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/>	\$ _____	3 1/2 yr fee	<input type="checkbox"/>	\$ _____	3 1/2 yr fee
<input type="checkbox"/>	\$ _____	7 1/2 yr fee	<input type="checkbox"/>	\$ _____	7 1/2 yr fee
<input checked="" type="checkbox"/>	\$ 4,730.00	11 1/2 yr fee	<input type="checkbox"/>	\$ _____	11 1/2 yr fee
		(1551)			(2551)
		(1552)			(2552)
		(1553)			(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 4,730.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(l)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00

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## 5. MANNER OF PAYMENT

 Enclosed is a check for the sum of \$ \_\_\_\_\_ Please charge Deposit Account No. 01-0051 the sum of \$ 6,370.00 Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

 The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 01-0051

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## 7. OVERPAYMENT

As to any overpayment made please

OR

Credit to Deposit Account No. 01-0051

Send refund check

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent). Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

/Bradford C. Blaise/

Signature(s) of Petitioner(s)

August 9, 2012

Date

Bradford C. Blaise

47,429

Typed or printed name(s)

Registration Number, if applicable

703-770-7741

Telephone Number

c/o Activision Publishing, Inc., 3100 Ocean Park Boulevard

Address

Santa Monica, CA 90406

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES

Maintenance Fee Payment

Surcharge under 37 CFR 1.20(l)(2) (fee for filing the maintenance fee petition)

\_\_\_\_\_

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AUG 09 2012

REQUEST FOR RECONSIDERATION OF PETITION  
 U.S. Patent No. 5,819,082  
 Application No. 08/480,618

Dated: August 9, 2012

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

IN RE PATENT NO.:	U.S. 5,819,082
ISSUE DATE:	October 6, 1998
INVENTOR:	Mark Marion
SERIAL NO.:	08/480,618
FILING DATE:	June 7, 1995
CONFIRMATION NO.:	9436
FOR:	DATA STORAGE OPTIMIZATION USING AN ACCESS ORDER LIST

REQUEST FOR RECONSIDERATION OF  
**JULY 3, 2012 PETITION TO ACCEPT UNINTENTIONALLY  
 DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT**

**MAIL STOP PETITIONS**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA. 22313-1450

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 DIVISION

Dear Sir:

In response to the Letter mailed July 23, 2012 by the Office of Petitions (hereinafter "Letter") dismissing the July 3, 2012 Petition Under 37 C.F.R. § 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent (hereinafter "07-03-12 Petition"), the undersigned respectfully submits this Request for Reconsideration together with a new FORM PTO/SB/66 [Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 C.F.R. 1.378(c))] filed herewith.

The Letter indicates that the 07-03-12 Petition was dismissed for the following reason:

A review of the record reveals that a proper authorization to charge the deposit account listed in petition has not been provided. Specifically, the practitioner who signed the petition form, Bradford C. Blaise, is not listed as an authorized user of Deposit Account No. 01-0051.

08/09/2012 14:14:22 (Eastern)

From: Pillsbury Winthrop - 713.276.7673

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AUG 09 2012

REQUEST FOR RECONSIDERATION OF PETITION  
U.S. Patent No. 5,819,082  
Application No. 08/480,618

Dated: August 9, 2012

[Letter, pg. 2].

The undersigned, Bradford C. Blaise, apologizes for the inadvertent oversight, and has since been added as an authorized user of Deposit Account No. 01-0051.

Accordingly, the new FORM PTO/SB/66 filed herewith complies with 37 C.F.R. 1.378(c) in that it includes:

- (1) The required maintenance fee set forth in § 1.20 (e) through (g);
- (2) The surcharge set forth in § 1.20(i)(2); and
- (3) A statement that the delay in payment of the maintenance fee was unintentional.

In view of the foregoing remarks, favorable consideration of this Request for Reconsideration is earnestly sought, together with the granting of the accompanying petition under 37 C.F.R. 1.378(c).

Respectfully submitted,

Date: August 9, 2012

By: /Bradford C. Blaise/  
Bradford C. Blaise  
Registration No. 47,429

c/o Activision Publishing, Inc.  
3100 Ocean Park Boulevard  
Santa Monica, CA. 90405

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